

Message Text

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ORIGIN IO-14

INFO OCT-01 ISO-00 HA-05 OIC-02 AF-10 ARA-10 EA-10
EUR-12 NEA-10 CIAE-00 DODE-00 NSAE-00 NSCE-00
SSO-00 USIE-00 INRE-00 PM-05 H-01 INR-10 L-03
NSC-05 PA-01 SP-02 SS-15 TRSE-00 AID-05 /121 R

DRAFTED BY IO/HR:RTAUBENFELD:HA:MSCHNEIDER:MR
APPROVED BY IO:GADALLEY

HA:MSCHNEIDER

-----120515 050032Z /62

O 050010Z MAR 78 ZFF4
FM SECSTATE WASHDC
TO USMISSION GENEVA NIACIT IMMEDIATE
INFO USMISSION USUN NEW YORK IMMEDIATE

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E.O. 11652: GDS

TAGS: UNHRC, SHUM

SUBJECT: 34TH HUMAN RIGHTS COMMISSION: AGENDA ITEM 11,
FURTHER PROMOTION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS

REF: GENEVA 3403

SUMMARY: APPRECIATE EFFORTS TO DATE. ADDITIONAL STEPS
CALLED FOR NOW INCLUDE (1) ENCOURAGING INDIAN,
NIGERIAN AND JORDANIAN GOVERNMENTS TO PRESS THEIR
PROPOSALS TO A VOTE NOW, (2) PRESSING PROPOSAL
FOR INTERIM COORDINATOR ON HUMAN RIGHTS AND FOR
ENHANCED INTERIM ROLE FOR THE BUREAU, AND (3) MOVING
PROPOSED MEETING UP TO BEFORE THE NEXT GENERAL ASSEMBLY
AND SUBSTANTIALLY INCREASING ITS LENGTH.

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1. DEPARTMENT APPRECIATES ALL THE HOURS OF EFFORT
AND THE REAL DIFFICULTIES FACED IN NEGOTIATING
ACCEPTABLE COMPROMISE ON ITEM 11. BUT THE DEFICIENCIES
OF THE PACKAGE PRODUCED MAKE ADDITIONAL ACTIONS NOW
NECESSARY. IT WOULD BE DIFFICULT TO REGARD PACKAGE
DESCRIBED REFTEL, PARA 7, TO POSTPONE DISCUSSION OF
ALL OR MOST OF THE INTERESTING SUGGESTIONS FOR FORTIFYING
THE UN HUMAN RIGHTS EFFORTS, INCLUDING THE HIGH

COMMISSIONER FOR ALMOST A YEAR, AS A STEP TOWARDS

OUR GOALS.

2. DEPARTMENT IS NOT REPEAT NOT WILLING TO AGREE TO ANY PACKAGE WHICH ACHIEVES LITTLE OR NOTHING NOW AND ALSO PRECLUDES PROPOSALS IN ECOSOC OR THE NEXT GA. USG SHOULD BE FREE TO PICK THE MOST FAVORABLE FORUM FOR OUR PROPOSALS. THIS MAY NOT BE THE NEXT HRC. IF A PACKAGE IS PRODUCED, USG SHOULD MAKE IT CLEAR THAT WE DO NOT FEEL ACTION IN OTHER FORA IS PRECLUDED. ALSO USG SHOULD CONTINUE TO WORK FOR A LONGER SESSION, PREFERABLY AT LEAST A MONTH, AND FOR THE SESSION TO BE HELD BEFORE THE NEXT GA.

3. INSTEAD OF THE PACKAGE NEGOTIATED, DEPARTMENT PREFERS TO PRESS NOW FOR THE ACCEPTANCE OF AN INTERIM COORDINATOR FOR HUMAN RIGHTS (CF. THE NIGERIAN SUGGESTION). THIS SHOULD NOT BE PRESENTED AS A SUBSTITUTE FOR A STRONG, INDEPENDENT HIGH COMMISSIONER, BUT AS TRULY INTERIM. AN APPENDIX TO THIS CABLE PROVIDES A ROUGH VERSION OF A POSSIBLE RESOLUTION. THIS IS FRANKLY AN AMENDED FORM OF THE HIGH COMMISSIONER PROPOSAL. IT IS INTENDED AS CONFIDENTIAL

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SUGGESTIVE. THE NIGERIANS AND OTHERS MAY HAVE THEIR OWN VERSIONS WHICH CAN BE WORKED WITH.

4. AT THE APPROPRIATE TIME, EITHER IN ADDITION TO THE COORDINATOR PROPOSAL OR AS A LAST DITCH SUBSTITUTE, THE DELEGATION SHOULD PROPOSE TO GIVE THE BUREAU OF THE HRC THE CAPACITY TO ACT AS AN INTERIM COORDINATING MONITORING BODY. IF THE DELEGATION HAS OTHER SUGGESTIONS FOR INTERIM COORDINATING MACHINERY, PLEASE DISCUSS THESE BY PHONE WITH DEPARTMENT.

5. IN ADDITION TO COORDINATION, INTERIM APPARATUS COULD LAY THE GROUNDWORK FOR THE PROPOSED OPEN-ENDED DISCUSSION GROUP. A ONE WEEK SESSION WOULD BE TOTALLY INADEQUATE WITHOUT PROVISION OF MAJOR PREPARATORY DISCUSSIONS AND NEGOTIATION. IT COULD ONLY BE EXPECTED TO PRODUCE STILL ANOTHER POST-PONEMENT OF ALL ACTION ON REFORM. THIS IS NO DOUBT THE SOVIET INTENT. THERE SEEMS NO POINT IN USG GOING ALONG EAGERLY.

6. USG SHOULD CONTINUE TO SUPPORT THE INDIAN PROPOSAL. THE NIGERIAN PROPOSAL ON REGIONAL

MACHINERY, ALREADY BLESSED BY THE GA, ALSO HAS OUR SUPPORT. THESE COUNTRIES AND THE JORDANIANS

(TWO REGULAR SESSIONS PROPOSAL) SHOULD BE
ENCOURAGED TO PRESS FOR A VOTE ON THEIR PROPOSALS
NOW. IF DESIRED, US COULD CONTACT AUSTRALIAN AND
CANADIAN GOVERNMENTS ON ISSUE OF TWO SESSIONS.
PLEASE ADVISE DEPARTMENT ON THIS.

7. COMMENT: IF, AS SUGGESTED REFTEL PARA 8, THE
SOVIETS DO NOT WANT TO LIST THE HIGH COMMISSIONER
PROPOSAL FOR FORWARDING TO THE OPEN-ENDED SESSION,
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WE SHOULD CONSIDER AGREEING NOT TO HAVE IT INCLUDED
AND THEREFORE AVOID ANY COMMITMENT TO POSTPONE IT
UNTIL AFTER ECOSOC AND THE GA. WE AGREE, AS NOTED
REFTEL, THAT RESOLUTION OF CUBA, BULGARIA AND
POLAND IS UNACCEPTABLE. IT IS AN ATTEMPT TO PREEMPT
DISCUSSION ON THE HUMAN RIGHTS PRIORITIES ITEM
WHICH HAS NOT BEEN SERIOUSLY ADDRESSED BY THE HRC.
END COMMENT.

8. FOLLOWING IS SUGGESTED DRAFT RESOLUTION TO
CREATE AN INTERIM COORDINATOR FOR HUMAN RIGHTS:

DRAFT RESOLUTION

"THE HUMAN RIGHTS COMMISSIONS,

"RECALLING THAT MEMBER STATES UNDER THE CHARTER OF THE
UNITED NATIONS HAVE PLEDGED THEMSELVES TO TAKE JOINT AND
SEPARATE ACTION IN CO-OPERATION WITH THE ORGANIZATION
FOR THE ACHIEVEMENT OF UNIVERSAL RESPECT FOR AND OBSER-
VANCE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS FOR ALL
WITHOUT DISTINCTION AS TO RACE, SEX, LANGUAGE OR RELIGION,

"BEARING IN MIND THE ENTRY INTO FORCE OF A NUMBER OF
INTERNATIONAL INSTRUMENTS IN THE FIELD OF HUMAN RIGHTS THE
IMPLEMENTATION OF WHICH HAS INVOLVED THE ESTABLISHMENT OF
NEW PROCEDURES AND NEW COMMITTEES OR OTHER ORGANS,

"RECALLING THAT IMPORTANT WORK IS BEING CARRIED OUT IN
THE FIELD OF HUMAN RIGHTS BY A NUMBER OF UNITED NATIONS
SPECIALIZED AGENCIES AND OTHER UNITED NATIONS BODIES AND
ORGANS,

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"NOTING THE IMPORTANCE OF THE ROLE OF THE SECRETARY-
GENERAL IN PROVIDING GOOD OFFICES AND OTHER ASSISTANCE AND
SERVICES AT THE REQUEST OF STATES AND UNITED NATIONS ,

"NOTING THE NEED TO KEEP THE UNITED NATIONS INFORMED OF ACTIVITIES OF NATIONAL AND REGIONAL HUMAN RIGHTS AGENCIES,

"NOTING THAT THERE IS A NEED TO MAKE FULL AND MORE EFFECTIVE USE OF ALL UNITED NATIONS RESOURCES IN THE FIELD OF HUMAN RIGHTS AND ALSO THAT THERE IS A NEED TO FACILITATE THE CO-OPERATIVE FULFILLMENT BY MEMBER STATES OF THEIR CHARTER COMMITMENTS TO HUMAN RIGHTS,

"CONVINCED THAT THESE FUNCTIONS COULD BE MOST USEFULLY COMBINED AND CARRIED OUT BY A MECHANISM MANDATED WITH THE RESOURCES TO ENHANCE AND CO-ORDINATE HUMAN RIGHTS ACTIVITIES WITHIN THE UNITED NATIONS SYSTEM AND TO ACT IN A CONSULTATIVE CAPACITY PROVIDING ADVICE AND ASSISTANCE IN HUMAN RIGHTS QUESTIONS AT THE SPECIFIC REQUEST OF STATES,

"2. DECIDES TO ESTABLISH, UNDER THE AUTHORITY OF THE SECRETARY-GENERAL, A COORDINATOR FOR HUMAN RIGHTS WHO WILL HAVE THE RANK OF UNDERSECRETARY, WHO WILL PERFORM THE FUNCTIONS DESCRIBED HEREIN IN A FULLY IMPARTIAL MANNER,

"2. DECIDES THAT THE COORDINATOR SHALL ACT WITHIN THE FRAMEWORK OF THE CHARTER OF THE UNITED NATIONS IN ORDER TO:

-- "(A) PROMOTE AND STRENGTHEN UNIVERSAL AND EFFECTIVE UNDERSTANDING AND RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOM FOR ALL WITHOUT DISTINCTION AS TO RACE, RELIGION, SEX OR LANGUAGE, AS SET FORTH IN THE CHARTER
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OF THE UNITED NATIONS, THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND OTHER INSTRUMENTS OF THE UNITED NATIONS AND IN PARTICULAR:

"(I) CONSIDER AS AREAS OF SPECIAL CONCERN AND ATTENTION SUCH MASSIVE VIOLATIONS OF HUMAN RIGHTS AS APARTHEID, RACISM AND RACIAL DISCRIMINATION, COLONIAL DOMINATION, FOREIGN OCCUPATION AND ALIEN SUBJUGATION;

"(II) GIVE SPECIAL ATTENTION TO THE CRITICAL IMPORTANCE OF ENSURING THE EFFECTIVE ENJOYMENT BY ALL OF THEIR CIVIL AND POLITICAL RIGHTS AND THEIR ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND SUCH OTHER RIGHTS AS ARE RECOGNIZED BY THE CHARTER OF THE UNITED NATIONS AND BY THE GENERAL ASSEMBLY, BEARING IN MIND THAT ALL HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS ARE INDIVISIBLE AND INTERDEPENDENT;

"(III) ACTIVELY PROMOTE THE UNDERSTANDING OF THE BASIC

HUMAN RIGHTS INHERENT IN THE ESTABLISHMENT OF A NEW INTERNATIONAL ECONOMIC ORDER AND OF THE NECESSITY TO LINK THE TRADITIONAL CONCEPT OF HUMAN RIGHTS WITH THE RIGHTS OF ALL TO HAVE THEIR BASIC NEEDS MET;

-- "B) RENDER, AT THE SPECIFIC REQUEST OF ANY STATE ASSISTANCE AND SERVICES, INCLUDING GOOD OFFICES, TO THAT STATE; THE COORDINATOR MAY SUBMIT A REPORT ON SUCH ASSISTANCE AND SERVICES AND ON ITS RESULTS WITH THE CONSENT OF THE STATE OR STATES CONCERNED;

-- "(C) MAINTAIN CLOSE RELATIONS WITH THE SECRETARY-GENERAL AND ALL OTHER ORGANS OF THE UNITED NATIONS, SPECIALIZED AGENCIES, INCLUDING REGIONAL AGENCIES, AND OTHER GOVERNMENTAL ORGANIZATIONS CONCERNED WITH HUMAN
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RIGHTS, AND GIVE ADVICE AND ASSISTANCE IN ORDER TO ENSURE CO-ORDINATION OF THEIR ACTIVITIES IN THE HUMAN RIGHTS FIELD;

-- "(D) REPORT ANNUALLY TO THE GENERAL ASSEMBLY ON HIS ACTIVITIES AND ON DEVELOPMENTS IN THE FIELD OF HUMAN RIGHTS; AND SUBMIT A REPORT TO THE GENERAL ASSEMBLY AFTER THREE YEARS FROM THE TIME OF TAKING OFFICE, INCLUDING SUGGESTIONS FOR IMPROVING THE MACHINERY FOR COORDINATING AND PROMOTING HUMAN RIGHTS OF THE UNITED NATIONS SYSTEM;

"3. STRESSES THAT THE COORDINATOR WILL HAVE TO EXERCISE HIS FUNCTIONS IN FULL COMPLIANCE WITH THE PROVISIONS OF THE CHARTER OF THE UNITED NATIONS, AND THAT THE AUTHORITY GIVEN TO THE COORDINATOR BY THIS RESOLUTION SHALL NOT PREJUDICE OR AUTHORIZE INTERFERENCE IN THE FUNCTIONS AND POWERS OF ORGANS ALREADY IN EXISTENCE OR WHICH MAY BE ESTABLISHED FOR THE PROMOTION OR PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

"4. EMPHASIZES THAT, IN THE ACCOMPLISHMENT OF HIS TASK, THE COORDINATOR WILL HAVE TO GIVE THE MOST CAREFUL CONSIDERATION TO THE ECONOMIC AND SOCIAL SITUATION AND THE CULTURAL AND RELIGIOUS VALUES OF THE DIFFERENT COUNTRIES;

"5. REQUESTS THE SECRETARY-GENERAL TO KEEP THE COORDINATOR INFORMED OF THE WORK OF ALL ORGANS OF THE UNITED NATIONS AND SPECIALIZED AGENCIES CONCERNED WITH HUMAN RIGHTS, INCLUDING THE STRUGGLE AGAINST COLONIALISM, APARTHEID, RACISM AND RACIAL DISCRIMINATION, COLONIAL DOMINATION, FOREIGN OCCUPATION AND ALIEN SUBJUGATION, AND TO SUPPLY THE FACILITIES AND INFORMATION REQUIRED FOR CARRYING OUT HIS FUNCTIONS;

"6. DECIDES THAT:

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"(A) THE COORDINATOR SHALL BE APPOINTED BY THE SECRETARY-GENERAL AND CONFIRMED BY THE GENERAL ASSEMBLY FOR A TERM OF THREE YEARS AND THAT HIS EMOLUMENTS SHALL NOT BE LESS FAVOURABLE THAN THOSE OF AN UNDER-SECRETARY;

"(B) THE EMOLUMENTS OF THE COORDINATOR SHALL BE FINANCED UNDER THE REGULAR BUDGET OF THE UNTIED NATIONS;

"7. REQUESTS THE SECRETARY-GENERAL TO SUBMIT AT ITS THIRTY-THIRD SESSION CONCRETE PROPOSALS ON THE ORGANIZATION OF THE COORDINATOR'S OFFICES, TAKING INTO ACCOUNT THE NEED TO MAKE FULL USE OF THE EXISTING RESOURCES.

CHRISTOPHER

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Message Attributes

Automatic Decaptoning: X
Capture Date: 26 sep 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, COMMITTEE MEETINGS, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 05 mar 1978
Decapton Date: 01 jan 1960
Decapton Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE056349
Document Source: ADS
Document Unique ID: 00
Drafter: IO/HR:RTAUBENFELD:HA:MSCHNEIDER:MR
Enclosure: n/a
Executive Order: 11652 GDS
Errors: n/a
Expiration:
Film Number: D780099-1056
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197803126/baaafbzv.tel
Line Count: 293
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Message ID: 19685ebb-c288-dd11-92da-001cc4696bcc
Office: ORIGIN IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: GENEVA 3403
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3165695
Secure: OPEN
Status: NATIVE
Subject: 34TH HUMAN RIGHTS COMMISSION: AGENDA ITEM 11, FURTHER PROMOTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
TAGS: SHUM, UNHRC
To: GENEVA NIACT INFO USUN N Y
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/19685ebb-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014